



# BULLETIN

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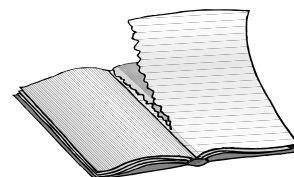
www.state.nd.gov/risk/

## *Risk Management Division*

### *Mission Statement*

*To protect the assets  
of the State of North  
Dakota - its people,  
property, and financial  
resources - so that the  
State can continue to  
meet its obligations to  
its citizens.*

## *A Rewrite of the Risk Management Manual*



The Risk Management Manual was first introduced in January of 1996 as a tool for our Division to communicate risk management issues with State agencies and facilities. Since that time the Manual has undergone numerous revisions (deletions and additions) and supplements (Bulletin and web site articles) resulting in some of the Division's risk management loss control information becoming quite fragmented. As a result, we decided it was time for a rewrite of the entire Manual.

Because we made changes to every section of the Manual—some extensive and some minor—we did not use the “revision indicator line” in the left margin. In an effort to save trees, since the Manual is on-line, we are not going to distribute reprints but encourage you to use the on-line version for your reference. We are enhancing the on-line version to include links to Sections referenced in the Table of Contents and forms discussed in the narratives. If some of your personnel do not have access to the web site, or if you simply prefer working from a printed text, download and print the Manual from the web. If you decide to download a copy, we recommend you destroy everything in the binder but the Section tabs and re-print the entire text—the changes are that substantial.

The most significant change you will see are the numerous links throughout the Manual to discussion points and referenced forms. Other changes include:

- ♦ Section 1—Since most of the claims adjusting is now done in-house we have updated the definition of the process and removed reference to adjusters and consultants hired by the Fund.
- ♦ Section 2—We updated the Memorandum of Liability and Defense Coverage document and N.D.C.C. ch. 32-12.2 to reflect legislative changes; and removed the Summary of changes in State law relating to the loss of sovereign immunity.
- ♦ Section 3—We enhanced the section on incident and accident reporting to reflect the loss control and investigation procedures associated with incident reporting.
  - We updated the incident and accident reporting information to encourage on-line web based reporting.
  - We also changed the reporting requirements for serious accidents. Because of the limited number of adjusters remaining in North Dakota, we removed the instruction to contact GAB in the event of a serious accident and replaced that instruction with an instruction to immediately call 911 and then to call State Radio advising State Radio that the accident is a “Risk Management Accident.”

(Continued on Page 2)

(Continued from page 1—Rewrite)

- Section 4—We expanded this Section to add “Practices” to the discussion of Policies and Procedures.  
—We added detailed information about Flex Training.  
—We added subsections addressing Employment Practices liability exposures, AEDs, and First Aid Kits.
- Section 5—We customized the instructions to assist in determining appropriate indemnification and insurance provisions to conform with the process established by OMB Procurement.  
—We added instructions on how to obtain authority to limit a vendor’s liability when appropriate.
- Section 6—We updated data concerning Risk Financing Resources.
- Section 7—This section was not changed but information presented in previous Bulletins has been incorporated in the appropriate Sections of the Manual.
- Section 8—This section has been updated to reflect changes in the Tort Claims Act as they reflect on indemnification and providing defense to State employees involved in lawsuits.  
—We added links to publications pertaining to employee defense and tips on testifying
- Section 9—This section was revised to reflect changes in WSI reporting forms and to update the information concerning the RMWCP Discount Program.
- Section 10—No changes.

Remember to use the web published version of the Manual as the most up-to-date information available to you from the Risk Management Division. If you have problems downloading information from the web site, or if you do not have access to the web site and would like Risk Management to provide you with a replacement paper copy of the Manual, contact Renae Heller at 328-7584 or [rheller@state.nd.us](mailto:rheller@state.nd.us).



# UPDATE

Web site :  
[www.state.nd.us/cog](http://www.state.nd.us/cog)

As we have been working on the NotiFind and LDRPS interface we found there has not been consistent input of information by the agencies in the PeopleSoft records. In order for you to be able to bring work and home phone numbers and work and personal cellular phone numbers into NotiFind from LDRPS so people can be contacted, we have established the following fields that require numbers.

**Work Phone Number:** On the Employment Data Link on Job Data there is a field for work phone number.

**Home Phone Number:** On the Personal Data Link on the Address History Tab there is a “phone type” for the home phone number.

**Work Cellular Number:** On the Personal Data Link on the Address History Tab there is a “phone type” for a cellular

phone number. We are asking that you enter the work cellular phone number in this field.

**Personal Cellular Number:** On the Personal Data Link on the Address History Tab there is a “phone type” of Other. Enter the personal cellular phone number in this field.

We will also be using the work email address as one of the contact methods in NotiFind. This is also found on the Personal Data Link on the Address History Tab with the email type of business. This is where we will be mapping the work email address.

To ensure consistency, we ask that you request the person who enters your personnel records into PeopleSoft to make these updates by April 17, 2006.



## Loss Control Tools

### Partnership in Pandemic Preparedness

On March 9, 2006 Governor Hoeven and US Health and Human Services Secretary Leavitt addressed North Dakota public health, business, and community leaders about pandemic flu preparedness in North Dakota.

*“This summit is designed to get all of us working together to plan for, prevent and respond to a possible health emergency, in order to better protect our families, our businesses and our communities,”* Hoeven said. *“If a pandemic hits, we will all need to work together, and that means beginning now, by planning for such an event.”*

To assist State agencies and facilities to participate in North Dakota’s preparedness, HHS has published a Preparedness Goal for State and Local Governments titled *“Workforce Support: Psychosocial Considerations and information Needs—Decrease the time needed to provide counter-measures and health guidance to those affected by threats to the public’s health.”*

In order to support the State’s preparation efforts, each State agency and facility should determine its status for each of the following questions. Is the agency or facility status “Completed— In Progress— or Not Started?”

- 1) Develop a continuity of operations plan to ensure performance of essential functions in the event of absenteeism of employees.
- 2) Develop a dissemination plan to communicate with employees, including lead spokespersons and links to communication networks such as the

State Department of Health Public Information Communication Plan.

- 3) Establish policies for employee sick-leave absences unique to pandemic influenza (e.g., non-punitive, liberal leave).
- 4) Establish mandatory sick-leave policies for employees who are exposed to pandemic influenza, who are suspected to be ill or who become ill at work.
- 5) Establish a rule that employees should not return to work until their symptoms resolve and they are physically ready to return.
- 6) Disseminate information from public health sources covering routine infection control (e.g., hand hygiene, coughing/sneezing etiquette), pandemic influenza fundamentals (e.g., signs and symptoms of influenza, modes of transmission), personal and family protection and response strategies, and the at-home care of ill employees and their family members.
- 7) Anticipate and plan communications to address the potential fear and anxiety of employees and families that may result from rumors or misinformation.
- 8) Adapt travel recommendations during an influenza pandemic. Recommendations may include restricting travel to and from affected domestic and international areas, recalling nonessential employees working in or near an affected area when an outbreak begins, and distributing health information to persons who are returning from affected areas.

While this list is not all inclusive, it is a good beginning. LDRPS and NotiFind can be effective tools to assist agencies and facilities in the planning process.

Resources available: North Dakota Department of Health and [www. Pandemicflu.gov](http://www.Pandemicflu.gov) for specific checklists including one for Colleges and Universities. Information from that site was a resource for this article.

## *RMWCP Update*



### *Disability Benefit Changes resulting from 2005 Legislative Session House Bill 1171*

Workers comp. claims filed with WSI after January 1, 2006 will be administered using HB 1171's definition of Temporary Total Disability (TTD) - "a disability that results in the inability of an employee to earn wages as a result of a compensable injury for which disability benefits may not exceed a cumulative total of one hundred four weeks or the date the employee reaches maximum medical improvement or maximum medical recovery, whichever occurs first. In other words, the period for which an injured worker can receive temporary total disability (full) benefits is now limited to a maximum of 2 years. To ensure the injured worker properly utilizes the program to obtain the maximum benefit available, a team effort will be needed to actively manage the return-to-work process. RMWCP is committed to be an active player on this team for state employees who sustain a compensable injury.

The WSI claims adjuster will make initial and consistent 28 day phone contacts to the employee and employer to discuss return-to-work issues. If an employee is returned to work at reduced hours or pay, temporary partial disability (TPD) benefits will be paid. This allows the employee to save TTD weeks if the employee needs to reapply for benefits in the event of a significant change in their medical condition.

If early intervention is not successful in returning the employee to work with the pre-injury employer, WSI will refer the case for vocational rehabilitation services to develop a return-to-work plan taking into account the employee's work history, medical, vocational, educational, economic and social condition. If the return-to-work plan identifies a 52 week training program or 104 week training program, TTD benefits change to rehabilitation disability benefits which the employee will receive throughout the

training program. Rehabilitation benefits are a different benefit type and are not included in the 104 weeks of TTD benefits. If the employee has received 104 weeks of TTD benefits and does not wish to participate in a training program, the employee can opt out and receive 5 years of partial disability benefits that will be based on the employees established earnings capacity.

If an employee attempts and withdraws from an approved retraining program within the first 20 weeks following commencement of the retraining program, the employee may receive no more than 182 weeks of TPD benefits calculated using the employees established earnings capacity. 182 weeks has been established to serve as a safety net for employees who want to try the training program and later wish to withdraw. The reduction from 5 years to 3 1/2 years also takes into account the administrative costs incurred for enrolling someone into a training program. If the employee completes the training program 1 additional year of TPD benefits may be awarded based on the employee's established earnings capacity.

In the event the employee reaches maximum medical improvement and the compensable work injury prevents the employee from performing any work, the employee will be declared permanently disabled if 1) the employee has sustained a compensable injury that results in a permanent partial impairment rating of the whole body of at least 25%; and 2) the disability that is the direct result of the compensable injury prevents the employee from performing any work.

If the employee is declared permanently disabled, the employee will receive Permanent Total Disability benefits based on the pre-injury gross average weekly wage.

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**CHECK IT OUT!!**

Please check your address label.  
Report any corrections to our office.

**BULLETIN**

## *Introducing Diane Waliser RMWCP Manager*



The Risk Management Division is pleased to introduce Diane Waliser, the new Manager of the Risk Management Workers Compensation Program. While Diane is new to the Risk Management Division, she isn't new to the Risk Management Workers Compensation Program. Since the inception of the program, Diane has functioned as the WSI adjuster who determined compensability of the state employee workers compensation claims. She worked closely with Derek Watkins, the previous RMWCP Manager, to ensure injured employees were receiving appropriate medical treatment and were offered the opportunity to return to work as soon as his or her medical provider determined it was appropriate.

Before joining Risk Management, Diane worked with WSI for 15 years serving as a claims adjuster, senior claims account specialist, claims and rehabilitation program coordinator, training coordinator, and unit supervisor, so she brings a lot of expertise to her new position. Prior to working with WSI Diane was involved in developing curriculum to implement community based work opportunities and education for students with severe disabilities. We are very fortunate to have someone with Diane's talents in this position. Help us to welcome her.